

ITEM #: 22
DATE: 12-12-23
DEPT: P&H

COUNCIL ACTION FORM

SUBJECT: HEARING ON TEXT AMENDMENTS TO AMES MUNICIPAL CODE CHAPTER 13 (RENTAL HOUSING CODE), CHAPTER 29 (ZONING ORDINANCE), & CHAPTER 31 (HISTORIC PRESERVATION) TO ALLOW ACCESSORY DWELLING UNITS (ADUS) IN RESIDENTIAL DISTRICTS

BACKGROUND:

The City Council identified implementing the Ames Plan 2040 initiatives related to infill development options for housing as priority for 2023 and directed staff to prepare draft standards and seek public input for allowing Accessory Dwelling Units (ADU) within residential zoning districts as one of these measures. In response to this direction, Staff conducted public outreach in August and September and provided this input to City Council at its October 10th meeting. **The public input was generally supportive of creating an ADU option, but had roughly equal opinions about the draft standards as being too permissive, too restrictive, or fairly balanced.**

The City Council reviewed the public input and comments at the October 10th meeting and directed Staff to proceed with related text amendments to Chapter 31, Historic Preservation and Chapter 29, Zoning Ordinance, to adopt ADU standards consistent with the draft regulations. In addition to the zoning changes, Chapter 13, Rental Code will be updated in relation to ADUs as well. The proposed ordinance for approval on first reading is included as an attachment to this report.

CHAPTER 29 ZONING ORDINANCE SUMMARY:

One ADU will be allowed on a single-family residential lot that is the primary residence of the property owner. If a property already has two units, it is not eligible to have add an ADU. ADUs will only be permitted in the in the following zoning districts: R-L (Residential Low Density Zone), R-M (Residential Medium Density Zone), UCRM (Urban Core Residential Medium Density Zone), FS-RL (Suburban Residential Low Density Zone), FS-RM (Suburban Residential Medium Density Zone), and F-PRD (Planned Residence District). Notably, F-VR (i.e., Somerset) does not include an allowance for ADUs because of the design requirements related uniquely to that zoning district and the covenants in Somerset prohibit the use.

Key elements of the ADU requirements were patterned after the standards of our existing accessory building requirements. The City's existing accessory building requirements found in Section 29.408 will apply to ADUs. These include maximum size, setbacks, height coverage, and location in the rear yard. An exception of allowing for habitable space within an accessory building was added to this section.

Standards unique to ADUs are proposed in Section 29.409. **Unique elements of an ADU are the allowance for it to be a dwelling, accessory to a single-family dwelling.** Previously, the city prohibited creating habitable space within accessory buildings. **As a dwelling, an ADU is limited to a maximum of one bedroom, must have cooking, sanitation, and sleeping areas and be independently functional from the principal residence with its own utility services.** The utilities are allowed to be split from existing services or for wholly new metered services to be connected to the

ADU. Bedrooms are a defined term within the Zoning Ordinance and will apply to the one-bedroom limitation of the ADU. As mentioned in October, **any living area that is separated from kitchen, living room or the bathroom will likely meet the definition of a bedroom and additional rooms, therefore, will not be permitted, including basements and second floors when a bedroom already exists on the main level. One additional parking space is also required for the ADU and a paved sidewalk connecting to the home or paved parking area is also required.**

An ADU is only permitted through the construction of a new detached building or through the conversion of an existing detached accessory building. Conversion of space within an existing home or the addition of space to an existing home for an ADU is not permitted. The ADU must be a building, it cannot be a RV or trailer, and must be set upon a permanent foundation. All new buildings and conversions are subject to residential building code requirements a residential dwelling occupancy classification.

Although an owner must reside on the site, they can live in either dwelling- the other dwelling is permitted to be rented. Only one of the two dwelling units on the lot may be rented. Properties owned by an L.L.C. or other non-natural person entity will not qualify as owner-occupied. To receive a permit for an ADU the owner must already reside on the property and a signed and recorded “Notice of Limitations” will be required confirming their understanding of rental and occupancy requirements. The notice of limitations will restate the ADU requirements about occupancy and rental restrictions.

Currently within Chapter 29, no additional building for human habitation may be located anywhere on the same lot as a principal residential building, except within the Agricultural (A) Zone, or for specifically permitted uses such as multifamily residential. The amended text will clarify what is meant by human habitation regarding accessory buildings (defined for this purpose as sleeping, cooking, and sanitation facilities), while continuing to still allowing for pool houses to include a bathroom. **The final proposed language does not permit any other accessory buildings to have a bathroom or features of an ADU that enable it to function as a dwelling unless the structure is designed to fully meet the ADU requirements. One of the questions related to this change is whether other accessory buildings that are not ADUs could have a bathroom, other than pool houses. As currently written, it does not allow such an improvement.** Staff was concerned that allowing other types of habitable space could be hard to monitor for occupancy limitations and preferred that either a structure fully meet the requirements or meet the recreational building exception. An accessory structure could have a sink.

Additionally, the section on “size and appearance of detached dwellings” (formerly Section 29.412, now proposed as Section 29.410) has been expanded to include ADUs, and clarifying language has been added in Section 29.1101 Single-Family Conservation Overlay District, exempting ADUs from the dwelling unit count and compatibility standards.

CHAPER 31 HISTORIC PRESERVATION SUMMARY:

The draft ordinance addresses the review process for Alterations of contributing garages when they could be converted to an ADU. Section 31.11(1) grants staff administrative authority to grant a Certificate of Appropriateness for Alterations; however, **changing a contributing garage to an ADU will require approval by the HPC. Additionally, character-defining features of a contributing garage must not be significantly altered.**

New Construction of an ADU is included under Section 31.13(10), Garages and Accessory Buildings. **The draft ordinance includes clarification of Design Criteria for New Construction of garages and**

accessory buildings (including ADUs), on requirements for porches, two-stories, raised foundation, and meeting footprint design criteria have been addressed, as they relate to garages and accessory buildings (including ADUs).

Additionally, the draft ordinance includes changes to the wording of Section 31.10 Certificate of Appropriateness, without making any substantive changes. This section has been under discussion by the HPC at various times over the past 18 months.

CHAPTER 13 RENTAL HOUSING SUMMARY:

The allowance for an ADU is predicated upon the owner of the property also residing on the property. Chapter 13 amendments include a definition for ADU, standards that only one of the two dwellings on the property may be rented, that the owner must always occupy one of the two structures to rent any of the dwellings, and that the ADU with the single-family dwelling are considered collectively for the Owner-Occupied exception. The Owner-Occupied definition with the exception would allow for family members and a roomer to live in either the primary residence or the ADU without it being registered as rental.

The Near Campus Neighborhood bedroom limitation based upon 2018 records has been updated to make it clear that regardless of modifications to a structure, additions to a structure, or construction of a new did not increase the bedroom count for purpose of calculating maximum occupancy.

It should be emphasized that two of the issues highlighted above were not previously discussed in detail. The first issue makes it clear that in no case can both dwellings be licensed as rental units, even if the property owner lives in one of the dwellings. The second issue specifies that once an ADU is constructed, the property must always be owner occupied to allow for either dwelling to be rented. Outside of the regular renewal requirement, no additional or ongoing confirmation of owner residency is required and no specific time period of transition from one owner to another has been included.

HISTORIC PRESERVATION COMMISSION RECOMMENDATION:

On November 13, 2023, the Historic Preservation Commission (HPC) discussed at length the proposed amendments to Chapter 31. The Commission voted 5-0 to recommend City Council approval of modifications to the proposed text amendments in Chapter 31, clarifying the application of design criteria and guidelines to accessory structures and ADUs. Conversion of a contributing garage to an ADU will require HPC approval.

PLANNING & ZONING COMMISSION RECOMMENDATION:

On December 6, 2023, the Planning and Zoning Commission reviewed the text amendments to Chapter 29, Zoning Ordinance and Chapter 31, Historic Preservation. The discussion included questions about ownership requirements and how that affected living trusts that and how parking requirements apply to ownership and rental situations. The Commission voted 5-0 to recommend approval of the draft ordinance for Chapter 29 and 31.

ALTERNATIVES:

1. Approve on first reading, implementing an allowance for Accessory Dwelling Units (ADUs) into the *Ames Municipal Code*, as per the attached ordinance amending the following three chapters: Chapter 13, Rental Housing; Chapter 29, Zoning Ordinance; and Chapter 31, Historic Preservation.
2. Approve on first reading a modified version of the attached ordinance implementing an allowance for Accessory Dwelling Units (ADUs) into the *Ames Municipal Code*.
3. Continue the public hearing to a date certain and direct modifications to the draft ordinances prior to first reading.
4. Take no action regarding the text amendments, thereby not memorializing changes in state law related to short-term rentals within the *Ames Municipal Code*.

CITY MANAGER'S RECOMMENDED ACTION:

Staff has indicated on a number of occasions that the proposed standards are “middle of the road” compared to our review of other cities. Generally, most single-family properties that are not restricted by private covenants should be able to take advantage of the new standards. Properties with one-car garages and small rear yards are the sites most likely to have difficulty in meeting the requirements. As described in April, almost 25% of the City's single family residential lots will not be able to take advantage of the allowance because of current covenants. Staff believes that based upon experiences in other communities there will be slow and gradual approach of homeowners building ADUs.

The proposed standards for ADUs are designed for consistency with our existing accessory building requirements. They are a balance between encouraging the use while respecting compatibility with the surroundings. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, thereby approving first reading of the ordinance amending three chapters of the Ames Municipal Code to allow for ADUs.

ATTACHMENT(S):

[Ordinance for Allowing ADUs in Residential Districts.pdf](#)

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY AMENDING CHAPTER 13, RENTAL HOUSING; CHAPTER 29, ZONING; AND CHAPTER 31, HISTORIC PRESERVATION THEREOF, FOR THE PURPOSE OF ALLOWING ACCESSORY DWELLING UNITS IN RESIDENTIAL DISTRICTS; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by amending Chapter 13, Rental Housing Code; Chapter 29, Zoning, and Chapter 31, Historic Preservation as follows:

“CHAPTER 13, RENTAL HOUSING

* * *

Sec. 13.100. GENERAL

* * *

(5) **Exceptions.** The following residential structures are exempt from these rules:

- (a) owner-occupied single-family dwellings (see definition of “Owner-Occupied Dwelling Unit” in Section 13.201). For purposes of this exception, an Accessory Dwelling Unit (ADU) is considered part of the single-family dwelling so long as both dwelling units are owner-occupied;

Sec. 13.201. TERMS DEFINED

* * *

DWELLING UNIT, ACCESSORY. Accessory Dwelling Unit (ADU) is defined and permitted through standards of the Zoning Ordinance as a detached “dwelling unit” on the same property as a single-family dwelling.

* * *

Sec. 13.300. GENERAL

(1) Registration required. No owner or operator shall rent, or offer for rent, any dwelling unit for use in whole or in part for human habitation, unless:

* * *

- (c) For properties with an ADU, the property must also include the primary residence of the owner.

* * *

Sec. 13.503. OCCUPANCY LIMITATIONS

* * *

(4) Limits based on Zoning District - Maximum Occupancy

* * *

(e) The maximum occupancy for a single-family or a two-family dwelling unit shall be based upon compliance with all standards of the Code, including but not limited to parking spaces, area requirements, habitable space requirements, and the following:

* * *

(iii) For properties with a single-family dwelling and an approved ADU, the maximum occupancy of the single-family dwelling is calculated based upon its bedroom count, if it is the licensed rental unit on the property. An ADU is limited to a maximum of three adults, if it is the licensed rental unit on the property. In no event can both dwellings be licensed as rental units, regardless of owner residency.
~~(iii)~~(iv) For dwelling units located within the Near Campus Neighborhoods the number of bedrooms for determining maximum occupancy on a property shall be determined by the number of bedrooms listed in the records of the Ames City Assessor as of January 1, 2018, or by the number of bedrooms reflected in the inspection records of the City of Ames Inspections Division as of January 1, 2018, whichever number is higher. The number of bedrooms for occupancy purposes cannot be increased in excess of these limitations through any changes to or additions to an existing dwelling or through new construction of a dwelling, including an ADU.

~~(iv)~~(v) Any room that had a legally conforming egress window on January 1, 2018...

* * *

CHAPTER 29, ZONING

* * *

Sec. 29.201. DEFINITIONS.

* * *

(3a) Accessory Dwelling Unit (ADU) means a detached “dwelling unit” on the same property with a single-family dwelling that includes the Primary Residence of the owner.

* * *

(5) Accessory Structure means a subordinate structure detached from but located on the same lot as a principal building. The use of an accessory structure must be incidental and accessory to the use of the principal building. Accessory Structures include, but are not limited to, accessory dwelling units (ADUs), garages, sheds, and fences.

* * *

Sec. 29.304. USE REGULATIONS.

* * *

(3) Prohibited Uses.

(a) Uses Prohibited in All Zones...

* * *

(iv) Any building for human habitation located to the rear of another building on the same lot. Any building for any purpose whatever located in front of any

building for human habitation on the same lot. This subsection ~~(d)~~ does not apply to uses located in the Agricultural (A) Zone or to any use of a lot expressly permitted by provisions of this Ordinance, including multifamily residential use and accessory dwelling units (ADUs).

* * *

Sec. 29.406. OFF-STREET PARKING.

* * *

**Table 29.406(2) Minimum Off-Street Parking Requirements
RESIDENTIAL DWELLINGS**

<u>Accessory Dwelling Units</u>	<u>1 space/RU</u>	<u>Not Applicable</u>
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Sec. 29.408. OTHER GENERAL DEVELOPMENT STANDARDS.

* * *

(7) Requirements for Private Garages and Other Accessory Buildings

(a) The following requirements apply to private garages and accessory buildings in Agricultural, Residential and Hospital/Medical districts:

(i) Location Within Setbacks

* * *

(b) Side Yards.

* * *

(ii) Corner Lot. A one-story garage or accessory building may be placed within 3 feet of the side lot lines, ~~provided the garage is set back a minimum of 25 feet from the abutting streets.~~

(c) Rear Yards.

(i) ... For purposes of this section, the rear yard is located between the rear lot line and the ~~primary structure~~ principal building, extending from side lot line to side lot line. ...

* * *

(iv) General Requirements.

* * *

(c) No detached garage or accessory building shall contain habitable space, unless approved as an Accessory Dwelling Unit (ADU). "Habitable Space" is defined for this purpose as: facilities or improvements for sleeping, cooking, and a bathroom. Other than an approved ADU, only an accessory building used for recreational purposes, such as a pool house, may include a bathroom ~~except for recreational uses requiring plumbing such as a pool house.~~

* * *

(d) The following requirements apply to shared common lot line garages ...

* * *

(iv) General Requirements.

* * *

(c) No detached garage or accessory building shall contain habitable space, unless approved as an Accessory Dwelling Unit (ADU). “Habitable Space” is defined for this purpose as: facilities or improvements for sleeping, cooking, and a bathroom. Other than an approved ADU, only an accessory building used for recreational purposes, such as a pool house, may include a bathroom—except for recreational uses requiring plumbing such as a pool house.

* * *

Sec. 29.409. ACCESSORY DWELLING UNIT (ADU) STANDARDS.

An ADU is a specific type of accessory building with requirements additional to those of private garages and accessory buildings provided in 29.408.

(1) Where Permitted.

(a) Zoning districts. ADUs are permitted in the following zoning districts: R-L, R-M, UCRM, FS-RL, FS-RM, and F-PRD.

(i) One ADU is allowed on any lot having one existing single-family dwelling that is the primary residence of the property owner, and no other dwellings are on the lot. If a lot has two or more dwellings, an ADU is not permitted.

(b) Overlay zoning districts. If the property is in an overlay zone, such as the Single-Family Conservation (O-SFC) or the Historic (O-H), it may be subject to additional design standards and permitting requirements. In the event of conflict between overlay regulations and the regulations included herein, the more restrictive regulations shall control.

(2) Independent Dwelling Unit.

(a) Detached from the principal building. The detached ADU may be created through the conversion of an existing detached structure or may be new construction creating a new standalone building. No ADU may be established as an addition to or within an existing single-family dwelling.

(b) Functions Independently. The ADU must function independently from the principal residence. It must include its own bathroom and kitchen facilities and be connected to public utilities including water and sanitary sewer. Separate metering is not required but allowed.

(c) Foundation. Whether constructed on site or premanufactured, an ADU must be placed upon a permanent foundation.

(3) Lot Size

There is no minimum lot size for an ADU.

(4) Size Limitations and Bedrooms.

The ADU is subject to the gross floor area limitations of accessory buildings and is limited to one bedroom. Any additional area or room that meets the definition of a bedroom as defined within the Zoning Ordinance is prohibited.

(5) Parking & Driveways.

(a) One paved off-street parking space is required for the ADU in addition to the two spaces required for the principal building. Although spaces for the principal building can include two cars parked in tandem, an ADU parking space cannot be in front of or behind another required parking space. All parking spaces must be paved and located in accordance with the requirements of 29.406.

(b) Sidewalk. A sidewalk is required to connect the primary exterior entrance of the ADU with the paved parking area or to the principal building.

(6) Occupancy.

(a) Owner-occupancy. No building permit or rental letter of compliance will be issued by the City for an ADU unless the titleholder resides on the property as their primary residence. The property owner’s primary residence may be either the principal building or the ADU. Prior to issuance of a permit, a “Notice of Limitation on Rental” shall be recorded by the property owner, including an affidavit confirming their understanding of rental and occupancy requirements. The “Notice of Limitation on Rental” shall be on a form prepared by the city. Properties owned by an L.L.C. or other non-natural person entity do not qualify as owner-occupied.

(b) The maximum occupancy of an ADU is limited to three adults. Additional occupancy limitations may apply to Near Campus Neighborhoods, as defined within Chapter 13, Rental Code.

(c) Rentals. Only one of the two dwelling units on the lot may be a rental. Any ADU or principal building that is intended for use as a rental must be registered with the city and have a valid rental permit. All requirements of Chapter 13, Rental Code apply.

Sec. 29.412410. SIZE AND APPEARANCE DETACHED DWELLINGS.

All non-attached dwelling structures of any kind located outside the RLP Zone, shall meet the following minimum standards:

(1) The principal portion or main body of the principal structure shall have a width and length of not less than 20 feet.

(2) The siding of any dwelling unit ~~the structure~~ shall consist of wood, simulated wood siding (to include horizontal lapped steel, vinyl, or aluminum siding), brick, stone, stucco or concrete and, furthermore, shall not have an appearance or condition incompatible with conserving the market value and beneficial use and enjoyment of adjacent buildings, as determined by the person responsible for zoning administration. Any person aggrieved by that determination may appeal to the Zoning Board of Adjustment as by law provided.

Sec. 29.410411. SINGLE FAMILY ATTACHED DWELLINGS - PARTY WALL AGREEMENT.

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Sec. 29.409412. BILLBOARDS.

* * *

Sec. 29.414413. OUTDOOR LIGHTING CODE.

* * *

Sec. 29.413414. STORMWATER MANAGEMENT DESIGN STANDARDS.

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Sec. 29.501. CLASSIFICATIONS OF USES.

* * *

(3) Accessory Uses. Unless otherwise stated in this Ordinance or otherwise indicated in the Use Tables for each zone:

* * *

(e) Accessory Uses;§

~~(i)~~ Are clearly incidental and customary to and commonly associated with the operation of the Principal Use;

~~(ii)~~ Are operated and maintained under the same ownership or by lessees or concessionaires of the owner, and on the same zone lot as the Principal Use;

~~(iii)~~ Do not include structures or structural features inconsistent with the Principal Use;

~~(iv)~~ May include the use a portion of a dwelling unit that is the primary residence of the property owner as limited Short-Term Rental (Home Share or Hosted Home Share);

(v) May include one accessory dwelling unit (ADU) on any single-family residential zoned lot having one existing single-family dwelling.

* * *

**Table 29.501 (4)-1
RESIDENTIAL USE CATEGORIES**

* * *

Household Living

* * *

Accessory Uses

Accessory Dwelling Units (ADUs) subject to the limitations found in the Zone Use Tables and the Use Development Standards

* * *

Sec. 29.701. "RL" RESIDENTIAL LOW DENSITY.

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**Table 29.701(2)
Residential Low Density (RL) Zone Uses**

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
RESIDENTIAL USES			

Household Living Accessory Uses			
<u>Accessory Dwelling Unit</u>	<u>Y</u>	<u>ZP</u>	<u>Staff</u>

* * *

Sec. 29.702. "RM" RESIDENTIAL MEDIUM DENSITY.

* * *

**Table 29.702(2)
Residential Medium Density (RM) Zone Uses**

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
RESIDENTIAL USES			

Household Living Accessory Uses			
<u>Accessory Dwelling Unit</u>	<u>Y</u>	<u>ZP</u>	<u>Staff</u>

* * *

Sec. 29.703. "UCRM" URBAN CORE RESIDENTIAL MEDIUM DENSITY ZONE.

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**Table 29.703(2)
Urban Core Residential Medium Density (UCRM) Zone Uses**

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
RESIDENTIAL USES			

Household Living Accessory Uses			
<u>Accessory Dwelling Unit</u>	<u>Y</u>	<u>ZP</u>	<u>Staff</u>

* * *

Sec. 29.1101. "O-SFC" SINGLE FAMILY CONSERVATION OVERLAY DISTRICT.

* * *

(6) **Intensification Limited.** In the O-SFC the maximum number of dwelling units, of any kind defined in Section 29.201, shall not at any time be permitted to exceed 648. Approved accessory dwelling units (ADUs) after January 1, 2024, are exempt from this limitation. Additionally, in the O-SFC, apartment dwellings shall not be permitted unless the plans for the project meet the following standards:

* * *

(9) **Compatibility Standards.** New construction of any principal building or other structure or any change in the use of land shall comply with the following compatibility standards: Accessory dwelling units (ADUs) are not subject to the compatibility standards.

* * *

Sec. 29.1202. "F-S" SUBURBAN RESIDENTIAL ZONE.

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**Table 29.1202(4)-1
Suburban Residential Floating Zoning
Residential Low Density (FS-RL) Uses**

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
RESIDENTIAL USES			

Household Living Accessory Uses			
<u>Accessory Dwelling Unit</u>	<u>Y</u>	<u>ZP</u>	<u>Staff</u>

* * *

**Table 29.1202(4)-2
Suburban Residential Floating Zoning
Residential Medium Density (FS-RM) Uses**

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
RESIDENTIAL USES			

Household Living Accessory Uses			
<u>Accessory Dwelling Unit</u>	<u>Y</u>	<u>ZP</u>	<u>Staff</u>

* * *

CHAPTER 31, HISTORIC PRESERVATION

* * *

SECTION 31.10. CERTIFICATE OF APPROPRIATENESS.

(1) Any act of alteration, demolition, new construction, or relocation, as defined herein, shall require a Certificate of Appropriateness as further described below.

~~Furthermore, e~~Every application for a building permit or a demolition permit affecting the exterior architectural appearance of a designated landmark or of any contributing structure within a designated historic district shall be accompanied by a complete City of Ames ~~an~~ application for a Certificate of Appropriateness. ~~Applicants shall be required to submit plans, drawings, elevations, specifications, and other information as may be necessary to make decisions.~~ The Building Official shall not issue the building or demolition permit until a Certificate of Appropriateness has been approved.

(2) ~~Alteration of an exterior part of a building or a structure.~~ An alteration is any act or process that changes one or more of the exterior features of a structure, such as windows, porches, siding, and other features identified under the Design Guidelines that do not increase without increasing the amount of gross floor area. ~~Alterations to existing structures that are contributing structures or to structures designated as historic landmarks shall require a~~ A Certificate of Appropriateness for an alteration ~~and~~ shall be permitted in the following instances.

- (a) An architectural feature has deteriorated to the point that it must be replaced.
- (b) Architectural features were added which modified the original qualities of the architectural style and the current property owner wishes to restore the structure to the original architectural style.
- (c) An architectural feature may ~~can~~ be added if ~~as long as~~ the feature is appropriate to the architectural style of the structure.

(3) New Construction. A Certificate of Appropriateness shall be required for construction of:

- (a) A ~~a~~ new principal structure, or
- (b) An ~~an~~ addition to an existing contributing structure or to a designated landmark, or
- (c) A ~~a~~ new accessory building or addition to an accessory building on any property with a contributing principal structure or designated landmark.

(4) Consideration of an application for a Certificate of Appropriateness shall apply the Design Guidelines, which shall pertain to all historic preservation districts and historic landmarks; and the Design Criteria, which shall apply only to the particular historic district or historic landmark for which they are enacted.

A new principal structure shall be representative of one of the architectural styles approved in the district. The design for the new principal structure must meet all the design criteria listed for the architectural style selected. Architectural features not specifically listed in the design criteria may be proposed by the applicant. Those features should be incorporated in a manner appropriate with the architectural style.

In each instance, the Commission may grant exemptions to the requirements for an alteration if it determines that the cost of replication is prohibitive.

* * *

SECTION 31.11. APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS.

(1) Administrative Approval Process.

(a) A Certificate of Appropriateness for alterations to the principal structure, garages, and other accessory buildings, and the new construction of fences and retaining walls ~~may~~ can be approved by the Planning and Housing Director, provided the alterations or new construction meet the adopted Design Guidelines and Design Criteria, and substitute materials are not proposed, other than those specifically listed in the Design Guidelines. However, changing or converting a contributing garage to an Accessory Dwelling Unit (ADU) requires approval by the Historic Preservation Commission. The Planning and Housing Director may refer an application for an alteration to the Historic Preservation Commission for approval.

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Sec. 31.13. DESIGN GUIDELINES FOR ALTERATIONS.

* * *

(8) Garages and Accessory Buildings

* * *

(k) Changing or converting an existing contributing garage to an ADU is allowed as long as the character defining features of the garage are not significantly altered as determined by the Historic Preservation Commission.

* * *

SECTION 31.15. DESIGN GUIDELINES FOR NEW CONSTRUCTION.

* * *

(10) Garages and Accessory Buildings (including Accessory Dwelling Units [ADUs]).

* * *

(k) Garages and accessory buildings do not typically require a porch; however, a standalone ADU adjacent to street frontage, may require a porch as determined by the HPC.

(l) Garages and accessory buildings are exempt from the two-story requirement.

(m) Garages and accessory buildings are not required to have a raised foundation and may be constructed slab-on-grade.

(n) Garages and accessory buildings are not typically required to conform to footprint design criteria; however, a standalone ADU adjacent to street frontage, may be subject to the footprint design criteria as determined by the HPC.”

Section Two. Violation of any provision of this ordinance shall constitute a municipal infraction punishable as set out by law.

Section Three. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Four. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this _____ day of _____, _____.

Renee Hall, City Clerk

John A. Haila, Mayor